

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07cv117**

NATASHA SINCLAIR,

Plaintiff,

Vs.

**MOBILE 360, INC.; AUTO
ADVANTAGE, INC.; KEVIN
GEAGAN; and GERALD ELDRIDGE,**

**Defendants and
Third-Party Plaintiffs,**

Vs.

MICHAEL KITCHEN,

**Third-Party Defendant
and Counter Claimant,**

Vs.

**MOBILE 360, INC.; AUTO
ADVANTAGE, INC.; KEVIN
GEAGAN; and GERALD ELDRIDGE,**

Counter Defendants.

ORDER

THIS MATTER is before the court on Michael G. Wimer's and P. Brook Segars' Motion to Withdraw. According to counsel, plaintiff and third-party defendant have demanded that counsel stop working on this case and have no further contact with them. If this is true, plaintiff and third-party defendant - - having survived a well briefed motion to dismiss through the efforts of their counsel - - are

making a choice which may well result in their claims being lost either at summary judgment (which is pending) or trial. Third-party defendant should be keenly aware of the hazards of proceeding without counsel as, for an extended period, he proceeded without counsel in another matter pending before this court. To make sure up front that the plaintiff and third-party defendant understand the consequences of their proposed course of action, the court will calendar this matter for hearing at which plaintiff and third-party defendant shall personally attend.

ORDER

IT IS, THEREFORE, ORDERED that Michael G. Wimer's and P. Brook Segars' Motion to Withdraw (#78) is **CALENDARED** for hearing on December 16, 2008, at 12 noon. All counsel shall attend as well as plaintiff Natasha Sinclair and third-party defendant Michael Kitchen.

Counsel for the plaintiff and third-party defendant shall in advance of such hearing contact such parties either in person or by phone and advise them of the hearing and the requirement that they be present at such hearing. In addition, counsel shall send a copy of this Order to such parties by certified mail, return receipt requested.

Signed: December 8, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

